

REMARKS

The Office Action of January 17, 2006 has been received and carefully considered. All claims are now present for examination and favorable reconsideration is respectfully requested in view of the following comments.

REJECTIONS UNDER 35 U.S.C. § 103:

Claims 1 and 3 have been rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Seto (US 6,587,040) in view of Takenaga (US 6,563,459). Claims 2 and 4 have been rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Seto in view of Takenaga and Dimono (US 5,918,180).

Applicant traverses the rejection and respectfully submits that the embodiments of present-claimed invention are not obvious over Seto in view of Takenaga, or Seto in view of Takenaga and Dimono, because the cited references do not disclose or suggest all the limitations of the features of the present invention, for example, “a position monitor alarm terminal...having an automatic transmission function for transmitting the GPS position information in a form of digital signal”, and there is no motivation to combine of these references nor reasonable expectation of success of such combination. Applicant respectfully submits that “[T]he mere fact that references can be combined or modified **does not render** the resultant combination **obvious** unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990)” (emphasis added, see MPEP 2143.01).

More specifically, according to the emergency call system of Seto, the system or installation is fixedly installed on the vehicle, and adapted to detect an open or close condition of vehicle doors after it receives a mode setting instruction from the help center, then starts its position information receiving operation for the vehicle. Seto's system is adapted to be set at a drive mode or thief prevention mode, judges the open or

close condition of the vehicle door, then receives position information dispatched from the GPS, compares the information to the previous memorized position information, and determines whether an alarm information should be send or not.

On the contrary, according to the embodiments of the features of the present invention as defined, an operation of the system for getting information position starts at the instance when the power of the position information monitor alarm terminal is turned on, without the mode setting instruction from the help center, and autonomously sends an alarm signal and position information to the cellular phone terminal when the vehicle moves along more than the previously determined distance. In addition, the position information monitor alarm terminal judges the position information sent from the GPS at the determined time intervals (changeable) to the position information monitor alarm terminal under a waiting mode in which a power of the terminal is at on condition. However, the data transmission unit (7) of Seto only transmitting the information passively after the mode setting instruction from help center (see col. 3, lines 41 – 45; col. 4, lines 36 – 40), thus does not have the function of “automatic transmission” as indicated in the pending claims.

Furthermore, the position information monitor alarm terminal according to the embodiment of the present invention is of very small size. Therefore, it is possible to be installed not only on vehicles, but also to individual or moveable objects. It is an economical product with a very simple function. On the contrary, the emergency call system of Seto is used particularly and exclusively to vehicle and it is used as a non-movable device. The system has complicated functions, such as a position information gain function, a cellular phone communication function, as well as a plurality of interface function between the system and the vehicle, resulting in high costs.

Similarly, Takenaga relates to a terminal provided with GPS receiving function, such as a cellular phone terminal and communication method sending position information on a map to the other side cellular phone terminal by means of a small volume of the information. The position information is sent to the other side portable

terminal when the holder of portable carries out a sending operation. Therefore, according to Takenaga, the cellular phone is functioning by its owner, not automatically, in order to send the position information to the other cellular phone.

On the contrary, the embodiment of the present invention judges the position information received from the GPS every time interval of the determined length at the terminal side (child device). When the position information monitor alarm terminal moves along a distance longer than the distance which is pre-determined, the terminal will **autonomously or automatically** issue an alarm signal and position information of the terminal to the cellular phone of the parent device. Due to the sending operation by an operator required in Takenaga (see Fig. 3A, S26), Takenaga is obviously different from the present invention and actually teaches away from the present invention. Therefore, there is no motivation to combine Takenaga with other references. Even if they are combined, they will not disclose or suggest all the limitations of the present invention.

Moreover, as previously pointed in the response filed on September 15, 2005, Dimino is significantly different from the present invention. The embodiment of the present invention as defined in Claims 2 and 4 includes the feature that “the alarm and a new position information are **automatically** transmitted to the cellular phone terminal.” However, Dimino teaches that the home computer with a special software that is “designed to periodically call the vehicle” (col. 6, lines 53 – 54). Clearly, the alarm and new position information are **not automatically** transmitted to the cellular phone terminal on the own initiative of the position information monitor alarm terminal as required by the embodiments of the present invention. In addition, Dimino discloses a system where the position information received from GPS is changed to a sound signal and it is heard by a cellular phone as a sound signal. However, the embodiment of the present invention include the feature that the GPS information received is transmitted to the cellular phone of the parent device as a form of digital signal. It is respectfully submitted because the alarm and new position information are **not automatically** transmitted to the cellular phone terminal, the sound signal required in Dimino and the

difference in the structure of the system, there is no motivation to combine Dimino with other references.

In summary, a *prima facie* case of obviousness has not been established based on Seto, Takenaga and Dimino, because there is not suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine reference teachings, nor a reasonable expectation of success. More importantly, the prior art reference (or references when combined) did not teach or suggest all the claim limitations as stated above.

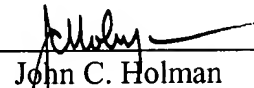
Therefore, the rejection under 35 U.S.C. § 103 has been overcome. Accordingly, withdrawal of the rejections under 35 U.S.C. § 103 is respectfully requested.

Having overcome all outstanding grounds of rejection, the application is now in condition for allowance, and prompt action toward that end is respectfully solicited.

Respectfully submitted,

JACOBSON HOLMAN PLLC

Date: May 3, 2006
(202) 638-6666
400 Seventh Street, N.W.
Washington, D.C. 20004
Atty. Dkt. No.: P69453US0

By 
John C. Holman
Registration No. 22,769